



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,811	02/03/2004	Steve Wood	061270-0916	9544

22428 7590 06/03/2005

FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

NGUYEN, KIEN T

ART UNIT PAPER NUMBER

3714

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

54

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/769,811		WOOD ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Kien T. Nguyen		3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-12, 16 and 25-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-12, 16, 25 and 35-39 is/are rejected.
- 7) ☒ Claim(s) 26-34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 112***

Claim 37 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 37, line 1, "the hanger attachment" lacks antecedent basis.

**Claim Rejections - 35 USC § 103.**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-11, 16, 25, 35, 36, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steiner U.S. Patent 2,769,276 in view of Leas et al U.S. Patent 5,135,233.

Steiner disclosed a mobile comprising a mounting bracket (22); a support arm (11) coupled to the mounting bracket and having a distal end (12); a hanger attachment (13) coupled to the support arm at the distal end, the hanger attachment being freely movable at the distal end (column 1, lines 64-65); a hanger (18) coupled to the hanger attachment; a decorative object (21) coupled to the hanger (applicant's claims 9, 25, 38, and 39). The hanger includes a plurality of radially extending arms (18) (applicant's claim 10). Each arm supports a respective decorative object (applicant's claim 11). The support arm is positionable above a crib that a child positioned therein (applicant's claim 16). It is noted that the hanger attachment of Steiner failed to show a socket ball and socket attachment as set forth in these claims. However, Leas et al disclosed a toy

Art Unit: 3714

having a decorative object (17) with at least one support member connected to a support structure by a socket ball (33) and socket (29) as shown in Fig. 3. Therefore, it would have been obvious to one of ordinary skill in the art to modify the hanger attachment and support of Steiner with the socket ball and socket connection as taught by Leas et al for the purpose of providing a full rotation of the support arms.

Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris U.S. Patent 5,370,570 in view of Leas et al U.S. Patent 5,135,233.

Harris disclosed a mobile comprising a mounting bracket (12); a support arm (26) coupled to the mounting bracket and having a distal end (26B); a hanger attachment (7) coupled to the support arm at the distal end and being freely movable at the distal end (column 5, lines 23-25); a hanger (6) coupled to the hanger attachment; a decorative object (5) coupled to the hanger; and the support arm (26) is rotatable in the mounting bracket at (20) (column 5, lines 53-54). It is noted that the hanger attachment of Harris failed to show a socket ball and socket attachment as set forth in these claims. However, Leas et al disclosed a toy having a decorative object (17) with at least one support member connected to a support structure by a socket ball (33) and socket (29) as shown in Fig. 3. Therefore, it would have been obvious to one of ordinary skill in the art to modify the hanger attachment and support of Harris with the socket ball and socket connection as taught by Leas et al for the purpose of providing a full rotation of the support arms.

***Allowable Subject Matter***

Art Unit: 3714

Claims 26-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to claims 9-12, 16, 25-39 has been considered but is moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

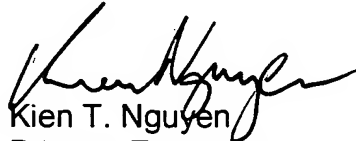
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (571) 272-4428. The examiner can normally be reached on 7:30 AM-5:00 PM.

Art Unit: 3714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kien T. Nguyen  
Primary Examiner  
Art Unit 3714

Ktn